

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

DEC 26 2024 11:45 A

RICHARD LASK, : Case No. 1:24-cv-00455
Plaintiff, :
 : Judge Jeffery P. Hopkins
 :
 : Magistrate Judge Elizabeth P. Deavers
vs. :
RANDY WALTERS, et al., :
Defendants. :

PLAINTIFF'S MOTION FOR LEAVE TO AMEND HIS REPLY TO SHOW GOOD CAUSE WHY
AN EXTENSION OF TIME TO EFFECT SERVICE ON DEFENDANT CHANDLER RULE
ISSUED BY THIS COURT'S SHOW CAUSE ORDER ON DECEMBER 6, 2024

Pursuant to Rule 4 Governing Service of Summons served with a copy of the Complaint, and following this Court's Show Cause Order, it not appearing that Plaintiff had not attempted to effectuate service on Defendant Rule (twice by certified return receipt mail) as required by Federal Rule of Civil Procedure 4(m), Plaintiff now seeks leave to Amend his Reply to the Court's Show Cause Order ordered on December 6, 2024, as this Court's specified time to reply within TWENTY-ONE (21) DAYS of the Courts order why the action should not be dismissed and why an extension of time to effect service on Defendant Rule should be allowed. Fed.R.Civ.P. 4(m). In addition, the Court instructed that the good cause showing should be supported with sworn affidavits. Plaintiff submits that he has abided by the Court's Show Cause Order, however, both "Notary Public" employess Mrs. Taylor and Mrs. West both are out on vacation. Plaintiff has no other means to declare in sworn affidavit at this time, which this matter is due before this Court on December 27, 2024. The attached Memorandum supports this Motion.

Respectfully submitted,

Richard Lask

Richard Lask #A748-772
North Central Correctional Institution
P.O. Box 1812
Marion, OH. 43302-1812

MEMORANDUM IN SUPPORT

On August 27, 2024 the Plaintiff initiated this case. (ECF No.1.) The Court subsequently Ordered the Plaintiff to file an Amended Complaint to conform to Rule 8 of the Federal Rules of Civil Procedure which requires a pleading that states "a short and plain statement of the claim showing the pleader is entitled to relief". Fed. R. Civ. P. 8(a)(2), (the "First Amended Complaint; Doc.#:7). Plaintiff avers under penalty of perjury 28 U.S.C. § 1746, that Plaintiff served a copy of the Amended Complaint (Doc.#7) and Served a Summons upon the Defendant Chandler Rule by "Certified U.S. Mail Return Receipt" to his last known work address at Kansas HP Troop B., 3501 N.W. Highway 24 Topeka, KS 66618, received and signed for by one Angela Jackson on 10/23/2024. See attached Exhibit - "B" Returned Signed Receipt with tracking number, and Exhibit - "A" copy of Summons Served on dated mailbox rule 09/28/2024). However, the Plaintiff admits (which he has rectified) he neglected to pursuant to Federal Rules Of Civil Procedure Rule 4 (a)(2)(b) on or after filing the complaint, the plaintiff may present a summons to the Clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the plaintiff for service on the defendant. Fed. R. Civ. P. 4(a)(2)(b). Rule 4 of the Federal Rules of Civil Procedure which require amendments permit a Court to permit a summons to be amended. Fed. R. Civ. P. 4(a)(2). Moreover, "service", any person who is at least 18 years old and not a party may serve a summons and complaint by registered "certified return receipt" U.S. Mail postage prepaid. Fed. R. Civ. P. 4(a)(c)(2).

Plaintiff submits that he has abided by the Court's Order to Show Cause (ECF No. 16.), however, both available employee's authoreized to perform "Notary" are out on vacation. Plaintiff at this time has no other means to declare in a "sworn affidavit" before a notary public as specified and instructed by this Court's Show Cause Order, which this matter is due before the Court on December 27, 2024. And for good cause shown, the Plaintiff seeks leave to amend his reply to have a

"notary public" attest to Plaintiff's sworn declarations in a sworn affidavit that Plaintiff's attempt's to serve a summons with a copy of the complaint upon Defendant Chandler Rule was done so in good faith. And now that the Plaintiff has acquired Defendant Rule's current address and phone number Chandler Dalton Rule (29 yrs. old) 3668 Sienna Avenue, Las Cruces, NM 88012, Ph: 785-484-2118. Plaintiff submits that at no fault of his, Defendant Rule will not be prejudiced by the Court granting an extended time period for service for an appropriate - period, seeing Defendant Rule did not leave an forwarding address.

Respectfully submitted,

Richard Lask

Richard Lask #A748-772

Plaintiff, pro se

CERTIFICATE OF SERVICE

I, Richard lask, Plaintiff, pro se, certiy under penalty of perjury 28 U.S.C. § 1746, that the original copy of Plaintiff's Motion for Leave to Amend his Reply to the Court's Show Cause Order (ECF No.16.), has been sent by reguler U.S. Mail, postage prepaid, for Filing in the U.S. District Court, Southern District of Ohio, Office of the Clerk, Potter Stewart US Courthouse Room 103, 100 East Fifth Street Cincinnati , Ohio 45202 on this 18Th day of December, 2024; and a copy was mailed to Counsel of record for Defendants: Matthew S. Teetor, Attorney at law, Teetor/Westfall 200 E. Campus View Blvd., Ste. 200 Columbus, Ohio 43235; and a copy was mailed to Cooper D. Bowen & Brian T. Smith, Attorney's at Law, 600 Vine Street Suite 2650, Cincinnati, Ohio 45202.

Respectfully submitted,

Richard Lask

Richard Lask #A748-772

North Central Correctional Institution

P.O. Box 1812

Marion , Ohio 43302-1812

Plaintiff, pro se

Exhibit - "A", page one of two:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio
Western Division

RICHARD LASK

Plaintiff

v.

RANDY WALTERS, et al.

Defendant

Civil Action No. 1:24-cv-00455

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Chandler Rule - Kansas Highway Patrol Trooper
Kansas HP Troop B.,
3501 N. W. Highway 24
Topeka , Kansas 66618
Phone: 785-296-6800

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Mr. Richard Lask, Plaintiff
#A748-772
North Central Correctional Institution
P.O. Box 1812
Marion , OH 43302-1812

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SANDY OPACICH, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Page 1 of 2.

Page 2 of 2

USM-285 is a 5-part form. Fill out the form and print 5 copies. Sign as needed and route as specified below.U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF Richard Lask		COURT CASE NUMBER
DEFENDANT Chandler Rule, Kansas Highway Patrol Trooper		TYPE OF PROCESS
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Chandler Rule, Trooper - Kansas Highway Patrol, Kansas HP Troop B.,	
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 3501 N. W. Highway 24, Topeka, Kansas 66618	
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW		
Richard Lask #A748-772 North Central Correctional Institution P.O. Box 1812 Marion, OH 43302-1812		Number of process to be served with this Form 285
		Number of parties to be served in this case
		Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Signature of Attorney other Originator requesting service on behalf of X <u>Richard Lask</u>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE 12-28-24
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.					
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)					
Name and title of individual served (if not shown above)				<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode	
Address (complete only different than shown above)				Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
				Signature of U.S. Marshal or Deputy	
Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)

REMARKS:

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285
Rev. 12/15/80
Automated 01/00

Print Requester	Booking #	Request Date	Requested Ink	Room	Location
RICHARD LASK	A748772	11/05/24 18:47 EST	Black/White	CRAWFORD-A/B	NCCI,CR,A,0024,0000

From: Sonya Fox on 11/03/24 20:22 EST

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Chandler Rule, Trooper
3501 NW Highway 24,
Topeka, KS 66618

2. Barcode

9590 9402 8403 3156 1723 21

Article Number (Transfer from service label)
9589 0710 5270 2029 7812 88

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

4. Delivery Point

10 Delivery

Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

Exhibit - "B", pg. 1 of 1.

"LEGAL MAIL"

COLUMBUS OH 430

24 DEC 2024 PM 7 L



U.S. District Court
Southern District of Ohio
Office of the Clerk
Potter Stewart US Courthouse Room 103
100 East Fifth Street
Cincinnati , Ohio 45202

"LEGAL MAIL"

45202-397699

